



General Assembly

January Session, 2015

Raised Bill No. 1050

LCO No. 4458



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

***AN ACT CONCERNING ABANDONED ELECTRIC GENERATING
FACILITIES AND CORPORATE RESPONSIBILITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Electric generating facility" means an electric generating facility
4 described in subdivision (3) of subsection (a) of section 16-50i of the
5 general statutes, but does not include a nuclear power generating
6 facility.

7 (2) "Decommission" means the process undertaken at the time an
8 electric generating facility is permanently retired from service to
9 ensure that the decontamination, dismantlement, removal and
10 disposal of the facility, including the facility site and any components
11 and materials associated with the facility, are accomplished in
12 compliance with all applicable state and federal laws, and to ensure
13 that such final disposition does not pose any threat to the public health
14 and safety.

15 (3) "Retirement" as related to an electric generating facility means a
16 facility (A) that has not generated electric power for a period of six
17 months or more, (B) for which the facility owner no longer has a power
18 purchase agreement to sell electric power generated by the facility, and
19 (C) that is not considered by the regional independent system
20 operator, as defined in section 16-1 of the general statutes, to be
21 necessary or capable of servicing the region's electric reliability needs.

22 (b) (1) Not later than six months after the retirement of an electric
23 generating facility on or after the effective date of this section, the
24 facility owner shall submit a plan to the Public Utilities Regulatory
25 Authority to sell, transfer, reenergize or decommission the facility.

26 (2) In the case of retirement of an electric generating facility before
27 the effective date of this section, the owner of the facility shall submit
28 such a plan to the authority not later than six months after the effective
29 date of this section.

30 (3) Upon submission of a plan under subdivision (1) or (2) of this
31 subsection, the electric generating facility owner shall have two years
32 to execute such plan.

33 (4) During the two-year period, the electric generating facility owner
34 shall provide the authority and the municipality where the facility is
35 situated with a status report every six months regarding its progress
36 toward completing such plan.

37 (c) The Public Utilities Regulatory Authority shall adopt regulations
38 in accordance with the provisions of chapter 54 of the general statutes
39 to carry out the purposes of this section.

40 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) As used in this section:
41 "Abandoned electric generating facility" means a facility (A) that has
42 not generated electric power for a period of two years or more, (B) for
43 which the facility owner no longer has a power purchase agreement to
44 sell electric power generated by the facility, and (C) that is not

45 considered by the regional independent system operator, as defined in
46 section 16-1 of the general statutes, to be necessary or capable of
47 servicing the region's electric reliability needs.

48 (b) (1) Not later than six months after the effective date of this
49 section, the owner of an abandoned electric generating facility shall
50 submit a plan to the Public Utilities Regulatory Authority to sell,
51 transfer, reenergize or decommission the facility.

52 (2) Upon submission of a plan under subdivision (1) of this
53 subsection, the Public Utilities Regulatory Authority shall issue an
54 order prescribing a time period, not exceeding one year and without
55 the possibility of extension, for the facility owner to sell, transfer,
56 reenergize or decommission the facility.

57 (3) If the facility owner fails to meet the conditions prescribed in the
58 authority's order, the authority shall assess a civil penalty in
59 accordance with section 16-41 of the general statutes.

60 (4) Each distinct violation of the authority's order shall be a separate
61 offense and, in case of a continued violation, each day thereof shall be
62 deemed a separate offense.

63 (c) (1) Any town may exercise the power of eminent domain over
64 the tract of land where an abandoned electric generating facility is
65 situated for the purposes described in sections 48-3, 48-5, 48-7 and 48-8
66 of the general statutes.

67 (2) The town is exempt from all costs for environmental remediation
68 pertaining to such land.

69 (3) Liability for all environmental remediation costs shall revert to
70 the former owner of the abandoned electric generating facility.

71 Sec. 3. Subdivision (2) of subsection (a) of section 16-50l of the
72 general statutes is repealed and the following is substituted in lieu
73 thereof (*Effective October 1, 2015*):

74 (2) In the case of facilities described in subdivision (3) of subsection
75 (a) of section 16-50i: (A) A description of the proposed electric
76 generating or storage facility; (B) a statement and full explanation of
77 why the proposed facility is necessary; (C) a statement of loads and
78 resources as described in section 16-50r; (D) safety and reliability
79 information, including planned provisions for emergency operations
80 and shutdowns; (E) estimated cost information, including plant costs,
81 fuel costs, plant service life and capacity factor, and total generating
82 cost per kilowatt-hour, both at the plant and related transmission, and
83 comparative costs of alternatives considered; (F) a schedule showing
84 the program for design, material acquisition, construction and testing,
85 and operating dates; (G) available site information, including maps
86 and description and present and proposed development, and
87 geological, scenic, ecological, seismic, biological, water supply,
88 population and load center data; (H) justification for adoption of the
89 site selected, including comparison with alternative sites; (I) design
90 information, including a description of facilities, plant efficiencies,
91 electrical connections to the system, and control systems; (J) a
92 description of provisions, including devices and operations, for
93 mitigation of the effect of the operation of the facility on air and water
94 quality, for waste disposal, and for noise abatement, and information
95 on other environmental aspects; [and] (K) a listing of federal, state,
96 regional, district and municipal agencies from which approvals either
97 have been obtained or will be sought covering the proposed facility,
98 copies of approvals received and the planned schedule for obtaining
99 those approvals not yet received; and (L) a decommissioning plan,
100 including the projected useful life of the facility, identification of any
101 circumstances that would trigger decommissioning of the facility in
102 advance of the end of the projected useful life of the facility, a
103 description of the method by which foundations, associated equipment
104 and components will be dismantled and removed, a description of the
105 method by which the site will be restored as near as possible to its
106 original condition, including, stabilization, regrading and revegetation,
107 an estimate of the total cost of implementing the decommissioning

108 plan calculated by a certified professional engineer based on the
109 projected useful life and the projected salvage value of the facility, and
110 financial assurance that sufficient funds are available for
111 decommissioning the facility. For the purposes of this subparagraph,
112 financial assurance may include a performance bond, surety bond,
113 letter of credit, corporate guarantee, escrow, deposit, insurance,
114 certificate of deposit, domestic security, trust, any combination of such
115 financial devices or any other form of financial device that is
116 acceptable to the council to ensure sufficient funds are available for
117 decommissioning the facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section
Sec. 2	October 1, 2015	New section
Sec. 3	October 1, 2015	16-501(a)(2)

Statement of Purpose:

To require owners of electric generating facilities to develop a plan for the retirement or decommissioning of such facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]